

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARTEZE R. CLAIR,

Plaintiff,

v.

RONALD HAYNES, et al.,

Defendant.

CASE NO. 3:21-cv-05639-RSM-BAT

**NOTICE THAT CASE IS
VOLUNTARILY DISMISSED AND
STRIKING IFP ORDER**

Plaintiff Marteze R. Clair, proceeding pro se and *in forma pauperis*, filed a 42 U.S.C. § 1983 complaint on August 31, 2021. Dkt. 1. The complaint has not been served. On September 30, 2021, plaintiff filed a notice to voluntarily dismiss the complaint and a request the Court strike the order granting in forma pauperis status. Dkt. 7.

Under Federal Rule of Civil Procedure 41(a)(1) plaintiff may dismiss an action **without a court order** by filing a notice of dismissal before the opposing party answers. The Court has reviewed the record and concludes that Plaintiff's has voluntarily dismissed the complaint in this case and that the case should be closed pursuant to Rule 41(a). The clerk of court is thus directed to close the case under this rule.

1 This notice of dismissal should not be construed as an order by the Court of dismissal.
2 Rather the notice has been generated to provide Plaintiff notice of the status of his case and that
3 his desire to voluntarily dismiss has been acknowledged.

4 The Court also GRANTS Petitioner's request to STRIKE the order granting leave to
5 proceed to proceed in forma pauperis. Dkt. 4. The clerk shall therefore send a copy of this notice
6 to plaintiff and to prison that houses Plaintiff so that the prison can be informed that the in forma
7 pauperis order has been stricken. The clerk shall also close the case under Rule 41(a).

8 DATED this 30th day of September, 2021.

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11 BRIAN A. TSUCHIDA
12 United States Magistrate Judge
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